

Serial No. 09/684,742

PATENT
Docket No. 78700.010000**REMARKS**

In this response, no claims have been added or canceled. Thus, independent claims 1, 46, and 48-51 (and dependent claims 2-45 and 47) remain pending in this application. The Office Action issued by the Examiner has been carefully considered.

Claim 25 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 has been amended above to now reference an antecedent basis for "user" in claim 1.

Claims 1-51 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of U.S. Patent No. 6,735,630 (Gelvin et al.).

Applicant's claim 3 depends from Applicant's claim 1, which recites "distributing storage and processing of the collected data." However, Gelvin's claim 1 cited by the Examiner recites "distributing processing of the collected data." Applicant respectfully submits that the Examiner has not presented a prima facie case of obviousness with respect to the double patenting rejection of these claims.

Claims 1-3, 5-6, 8, 14-16, 18, 24, 34, 39-41, 43-45, 48, and 49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Clare et al. (USPN 6,414,955) (hereinafter Clare).

An anticipation rejection requires that every element of a claim be identically disclosed in a single reference. Applicant's independent claim 1 recites "collecting data from the at least one environment." With reference to this recitation, the Examiner has cited col. 6, lines 19-21, of Clare, which discusses that the sensors may detect vibration, seismic signals, infrared signals . . . or any other detectable physical phenomena.

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Applicant's claim 1 further recites "distributing storage and processing of the collected data among the plurality of network elements in response to the node information." With reference to this recitation, the Examiner has cited col. 18, lines 35-64, of Clare, which discusses the architecture for an individual node. More specifically, Clare here describes that local environmental conditions are sensed by a sensor and that the data from the sensors is stored for processing in a buffer memory (see FIG. 15 of Clare). Clare also teaches that a DSP 18 analyzes the stored data and microprocessor 20 makes decisions based upon information from the DSP 18, and that microprocessor 20 can perform additional analysis of the data. However, the Examiner has not demonstrated how the foregoing analysis teaches or even suggests "distributing storage and processing of the collected data among the plurality of network elements."

The section cited by the Examiner above does describe that the microprocessor 20 can be programmed to control and schedule communications with other nodes, but the Examiner has not shown how controlling or scheduling communications teaches or suggests "distributing storage and processing of the collected data." This controlling or scheduling as described in this cited section does not even mention the data sensed by the sensor. Accordingly, Applicant believes that this anticipation rejection should be withdrawn.

Applicant's independent claims 48 and 49 also recite "distributing storage and processing of the collected data among the plurality of network elements in response to the node information." The anticipation rejection of these claims also should be withdrawn.

Claim 42 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Official Notice.

Claim 42 depends from Applicant's claim 1. As discussed above with respect to claim 1, the Examiner has not demonstrated how Clare teaches or even suggests "distributing storage and processing of the collected data among the plurality of network elements." Accordingly, claim 42 is also believed non-obvious for at least this reason. Applicant notes that the Examiner has taken Official Notice in making this rejection. Applicant reserves the later right to challenge the

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Examiner's taking of Official Notice, but Applicant believes such challenge is moot at this time in light of the foregoing argument.

Claims 4, 17-20, 23, 25-32, 46, 47, 50, and 51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Myer et al. (USPN 6,615,088) (hereinafter Myer).

The Examiner has made merely a cursory statement of a rejection of Applicant's independent claims 46, 50, and 51 by reference to "similar reasons as stated above." Applicant believes this cursory statement is inadequate to make a prima facie case of obviousness. For example, the Examiner has not provided any statement of how the claim recitations of claims 46, 50 and 51 relate to claim 1. Further, reference to and arguments regarding specific features in dependent claims (e.g., claim 4) is not sufficient to present a prima facie case of obviousness for independent claims 46, 50, and 51. Therefore, Applicant submits that this rejection of independent claims 46, 50, and 51 should be withdrawn.

Claims 7, 9-13, 35, and 36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Humpleman et al. (USPN 6,546,419) (hereinafter Humpleman).

Claims 7, 9-13, 35 and 36 all depend, directly or indirectly, from Applicant's independent claim 1 and are believed allowable for at least the reasons discussed above with respect to claim 1.

Claim 37 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Davis et al. (USPN 5,742,829) (hereinafter Davis).

Claim 37 depends, directly or indirectly, from Applicant's independent claim 1 and is believed allowable for at least the reasons discussed above with respect to claim 1.

Claim 38 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Makansi et al. (US 2002/0154631) (hereinafter Makansi).

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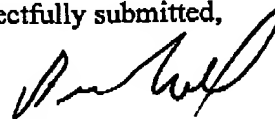
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Claim 38 depends, directly or indirectly, from Applicant's independent claim 1 and is believed allowable for at least the reasons discussed above with respect to claim 1.

Applicant's other dependent claims depend, directly or indirectly, from independent claims 1 and 46 and are believed allowable for at least the reasons discussed above.

In view of the above, Applicant respectfully requests the reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the later right to address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,



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